

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

v.

HERMAN PURVIS

Crim. No. CCB-18-251

* * * * *

MEMORANDUM AND ORDER

Now pending is Herman Purvis's request for appointment of counsel to assist him in filing a motion for compassionate release, docketed as a pro se motion for compassionate release (ECF 39).

The court may consider a defendant's compassionate release motion only "after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier[.]" 18 U.S.C. § 3582(c)(1)(A).

Purvis does not contend that he has made a request for compassionate release to his warden as contemplated by 18 U.S.C. § 3582(c)(1)(A). The court is thus unable to consider a motion by Purvis for compassionate release and declines to appoint him counsel at this time.

Accordingly, Purvis's request for appointment of counsel (ECF 39) is DENIED WITHOUT PREJUDICE to renewal. If Purvis exhausts his administrative remedies, he may file a motion for compassionate release and also a motion for appointment of counsel. The court will then consider whether to appoint counsel in connection with the motion for compassionate release.

So Ordered this 7th day of October, 2020.

/S/
Catherine C. Blake
United States District Judge